

MERYL MACKLIN (CA State Bar No. 115053)
ADAM BREZINE (CA State Bar No. 220852)
HOLME ROBERTS & OWEN LLP
560 Mission Street, 25th Floor
San Francisco, CA 94105-2994
Telephone: (415) 268-2000
Facsimile: (415) 268-1999

DEBORAH MILLER (CA State Bar No. 95527)
JEFFREY S. ROSS (CA State Bar No. 138172)
ORACLE USA, INC.
500 Oracle Parkway, 7th Floor
Redwood Shores, CA 94065
Telephone: (650) 506-5200
Facsimile: (650) 506-7114

Attorneys for Plaintiff ORACLE CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORACLE CORPORATION, a Delaware
corporation,

Plaintiff,

v.

SKYWIRE HOLDINGS, LLC, a Delaware
limited liability company, and DONALD
BRAUN, SELLER REPRESENTATIVE, an
individual,

Defendants.

5702 CRB

CASE NO. 08-~~5703~~ CRB

**STIPULATION RE SETTLEMENT AND
HEARING ON MOTIONS FOR SUMMARY
JUDGMENT AND TO STRIKE JURY
DEMAND; ~~[PROPOSED]~~ ORDER**

Hearing Date: September 25, 2009

Hearing Time: 10:00 a.m.

Courtroom: 8

Judge: Hon. Charles R. Breyer

1 Plaintiff Oracle Corporation and Defendants Skywire Holdings LLC and Donald Braun
 2 (collectively, the "Parties"), have agreed on a settlement of this matter, and have documented the
 3 settlement. The resolution of this matter involves a payment of funds currently held in an escrow
 4 account at Wells Fargo Bank, and so, even though the escrow instructions have been completed and
 5 sent to Wells Fargo, the Parties do not know exactly when the payment will be made. Payment may
 6 not be made before the hearing on Oracle's Motion for Summary Judgment and Motion to Strike
 7 Jury, which is scheduled for September 25, 2009. Once payment has been made, the Parties will file
 8 a stipulation for dismissal.

9 The Parties therefore jointly request that the Court take off calendar the hearings on Oracle's
 10 Motion for Summary Judgment and Motion to Strike Jury, and Defendants' companion Motion to
 11 Strike Declaration of Jeffrey Ross.

12
 13 Dated: September 23, 2009

HOLME ROBERTS & OWEN LLP

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 15 By: s/ Meryl Macklin
 16 Meryl Macklin
 17 Adam Brezine
 18 Attorneys for ORACLE CORPORATION

19 Dated: September 23, 2009

SHEPPARD MULLIN RICHTER & HAMPTON
 20 LLP

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 22 By: s/Steven Winick
 23 Steven Winick
 24 Robert Stumpf
 25 Attorneys for SKYWIRE HOLDINGS, LLC
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 27
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~~PROPOSED~~ ORDER

Good cause appearing therefor,

IT IS HEREBY ORDERED that Plaintiff Oracle Corporation's Motion for Summary Judgment and Motion to Strike Jury Demand, and Defendants' Motion to Strike, each of which is set for hearing on September 25, 2009, are hereby taken off calendar.

Dated: September 24, 2009



Hon. Charles R. Breyer
United States District Judge